

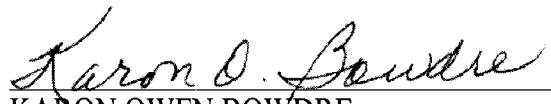
Further, the court ORDERS that all potential witnesses, including any agents or expert witnesses excluded from sequestration, not discuss their testimony with another witness, discuss

the testimony of other witnesses, or read transcripts of other witness' testimony. The court further ORDERS that potential witnesses not read newspapers, listen to radio programming or view television programming discussing or addressing the trial of this matter. Counsel for the parties are ORDERED to provide a copy of this order to their potential witnesses.

As to the Government's second request, that two agents be exempted from the exclusion of witnesses, the Defendant does object. The Government has designated Agent Gerald Kelly as its representative to be exempted under Rule 615(2), and seeks to have Agent Jeff Proctor also exempted, either as an additional representative or as an essential witness under Rule 615(3). That subpart allows exemption from the sequestration rule of "a person whose presence is shown by a party to be essential to the presentation of the party's cause." The Government asserts that Agent Proctor's presence is essential because of his expertise in the accounting fraud aspects of the case, including this intimate knowledge of the voluminous financial documents.

Under Rule 615, the court has discretion to grant an exemption to more than one witness. See *United States v. Alvarado*, 647 F.2d 537, 540 (5th Cir. Unit A 1981). The court need not outline all the factors that make this case complex. The 58-count indictment contains allegations spanning seven years. The trial may last two months and will involve hundreds of thousands of documents and approximately fifty witnesses. Because of the complexity of the case, the court exercises its discretion to exempt Agent Kelly and Agent Proctor from the general rule of exclusion from the courtroom. However, counsel are reminded of the limited space in the courtroom, and also are reminded that these agents are subject to the restrictions stated above for all potential witnesses.

DONE and ORDERED this 16th day of December, 2004.

  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE